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SUBJECT: QUARTERLY HUMAN RIGHTS CONSULTATION FOCUSES ON "OFFENSIVE INTELLIGENCE"

REF: REF A 08BOGOTA4305; REF B BOGOTA 1826; REF C BOGOTA 2019
REF D BOGOTA 2629; REF E BOGOTA 2958; REF F BOGOTA 3035

CLASSIFIED BY: Brian A Nichols, Deputy Chief of Mission; REASON:
1.4(B), (D)

SUMMARY

¶1. (U) Charge d'Affaires Brian Nichols hosted the Embassy's quarterly consultations with human rights groups on September 14. As agreed previously with the groups, the discussion focused on issues dealing with general criteria for the Human Rights Certification process. The groups focused on the illegal Administrative Department of Security (DAS) spying, the military's 'false positive' extrajudicial killings, and the selection of the Prosecutor General (Fiscal General). The CDA said that the Embassy would raise human rights concerns with the Colombian government, meet regularly with human rights groups, and speak out on the importance of a vibrant civil society and respect for human rights. End Summary.

¶2. (SBU) Post's quarterly consultations with human rights groups, as agreed previously, focused on issues relating to general criteria for the Human Rights Certification process. Attendees included Juan Camilo Rivera, Colombian Lawyers Commission (CCJ); Jahel Quiroga Carrillo, Reiniciar; Alberto Yepes, Coordinacion Colombia Europa Estados Unidos (CCEEU); William Rozo, Center for Research and Popular Education (CINEP); Augustin Jimenez, Political Prisoner Solidarity Committee (CSPP); Liliana Avila, Inter-ecclesiastic Commission for Justice and Peace (Justice and Peace); Luis Evelis Andrade, Organization for the Indigenous of Colombia (ONIC); Gloria Florez, MINGA; Alirio Uribe Munoz, Jose Alvear Restrepo Collective Corporation of Lawyers (CCAJAR); and Tomas Martinez, Association of Internally Displaced Afro-Colombians (AFRODES).

PERPLEXED BY CERTIFICATION

13. (C) Alberto Yepes of CCEEU criticized the Department of State (DOS) for its decision to certify the GOC, stating the certification "recognizes the problems, but makes the wrong conclusion." Gloria Florez of MINGA said she was "perplexed" by the recent certification decision, given evidence of illegal surveillance of human rights defenders by the DAS and of murders reported as combat kills ("false positives") by the military. Alberto Jimenez of CSPP questioned the decision to certify the GOC in what is the "worst moment in Colombian history" for human rights and likened the certification to "sanctioning murder by the military."

OFFENSIVE INTELLIGENCE AGAINST HUMAN RIGHTS GROUPS

14. (C) Yepes described what he called an "offensive intelligence" policy to spy on and disrupt the work of human rights organizations (REF C). Yepes said the spying -- which included collecting

detailed information on the extended families of targeted human rights defenders -- often preceded activities intended to impede an NGOs work or frighten an activist. He cited cases like publishing fake employment ads so an NGO would be inundated with job applicants and sending a bloody doll to the home of a human rights defender.

15. (C) Florez deplored the persecution of legitimate and legal human rights activities. She underscored that illegal and politically-motivated intelligence collection against human rights defenders is not confined to the DAS and warned military and police intelligence have also been involved in inappropriate surveillance. Alirio Uribe Munoz of CCAJAR reiterated his comments of June 12 that surveillance was frequently performed "legally, but for illegal or political purposes." He described a scenario in which surveillance is conducted under a warrant that links the defender to an unrelated case (REF C, F).

16. (C) Yepes emphasized the historical connections between politically-motivated intelligence collection and subsequent homicide of the target. He pointed to the Prosecutor General's Office investigation of former DAS Director Jorge Noguera, who is currently incarcerated on charges of using illegal intelligence to facilitate the murders of four individuals, three of whom were labor leaders. Uribe Munoz described his DAS intelligence file, which the Prosecutor General's Office showed him; it included copies of his house keys, photos of his minor children and their schools, and lists of extended relatives and personal contacts. Uribe Munoz averred "the next logical step was for them to kill me."

OFFENSIVE INTELLIGENCE AFFECTS VISAS

17. (C) Jahel Quiroga Carrillo of Reiniciar noted the United Nations High Commission for Human Rights had long advocated for the GOC to review and purge its intelligence files of information on legitimate human rights defenders (REF A), but there had been no movement on the issue. Yepes argued the "offensive intelligence" strategy had successfully blocked some human rights defenders from receiving visas, especially to the United States. (REF E). Yepes

noted Uribe Munoz' visa case had been pending since February 2008.
(Note: Uribe Munoz is awaiting the results of a Security Advisory
Opinion resulting from terrorism and drug trafficking hits. End
Note)

QUESTIONING JUSTICE IN EJE CASES

18. (C) Juan Camilo Rivera of CCJ reported the reduction in "false positive" murders has been offset by an increase in forced disappearances. Yepes reported two of the generals fired in October 2008 for the Soacha scandal have begun working as contractors for the Ministry of Defense. He dismissed the military's administrative firings as another mechanism to support impunity (REF D). Jimenez accused the military of destroying evidence, refusing to transfer human rights cases to the ordinary justice system, and threatening prosecutors working on "false positive" cases.

ACTING PROSECUTOR GENERAL STAFFING TRANSFERS CHALLENGED

19. (C) Yepes expressed concern over staffing transfers under acting Prosecutor General Guillermo Mendoza, and accused Mendoza of promoting impunity in the DAS investigation. Jimenez said President Uribe should not be entitled to name the next Prosecutor General, claiming the Presidency is implicated in the DAS surveillance scandal.

USG RESPONSE

10. (SBU) CDA Nichols thanked the participants for the frank exchange of ideas and emphasized the importance of their input in the certification process. The CDA stressed that USG shared the serious concerns expressed during the meeting; in particular regarding illegal intelligence collection, extrajudicial executions, threats against human rights defenders, violence against vulnerable groups leading to displacement, and illegal criminal group activity. However, he opined that the GOC continued to make progress in its efforts to improve the respect for human rights, and had taken strong action in response to human rights violations--such as removing and prosecuting over 50 military officials linked to extrajudicial killings. In view of those efforts, the USG had decided to certify this year. The CDA said that the Embassy would raise human rights concerns with the Colombian government, meet regularly with human rights groups, and speak out on the importance of a vibrant civil society. He assured the NGOs that the USG would continue to work with civil society and the GOC to make further advances in protecting human rights.
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